

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

April 8, 2015

The meeting was called to order at 4:02 p.m. by Vice-Chair Clover Meaders at 3600 Constitution Blvd., West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Terri Mills, Clover Meaders, Barbara Thomas, and Latai Tupou

ABSENT

Harold Woodruff and Martell Winters

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Steve Lehman, Jody Knapp, Kevin Despain, and Nichole Camac

AUDIENCE

Approximately eleven (11) people were in the audience

ZONE TEXT APPLICATIONS

ZT-2-2015

Alisha Ungerman

Amending the number of children allowed for a Home Preschool from 6 to 10 per session

This application was continued by the Planning Commission from the March 25, 2015 Public Hearing in order for the applicant additional time to refine their zone text change proposal.

Alisha Ungerman, a resident of West Valley City, has submitted a zone text change application to increase the number of children allowed in a Home Preschool. She requests to amend 7-1-103(101), the definition of a Home Preschool, and 7-8-103 “MAJOR HOME OCCUPATION STANDARDS” to allow 10 children per session of instruction. The current definition allows Home Preschools to have up to 6 children per session of instruction. Home Preschools are processed as a Major Home Occupation within residential zones which requires the review of the Planning Commission as a conditional use. The standard of limiting child care within a home to 6 children per session has been in place since the City’s inception.

Ms. Ungerman has submitted a letter outlining the reasons for her proposal and addressing the concerns of the Planning Commission. She expresses the need that Home Preschools have in offering children the opportunity to interact socially with more children in a classroom type setting. She feels that increasing the limit from 6 to 10 children per session will not have a detrimental impact to neighborhoods.

She has contacted 11 cities within Salt Lake County to compare standards (see attached Appendix A). A majority of the cities contacted allow up to twelve students per class and appear to do so with success. She makes the point that an in-home licensed daycare provider can care for up to 8 children of mixed ages for most of the day. This includes regular feeding times, nap times, changing diapers, etc. An in-home preschool, on the other hand, is a structured learning atmosphere for children ages 3-5, for less than 4 hours. In comparing the demands, Ms. Ungerman feels that raising the limit to 10 for a preschool is reasonable.

In terms of the concern with parking, Ms. Ungerman, feels that the issues relating to the traffic and parking needed can be addressed at the Planning Commission level during the conditional use review process on a case by case. If neighbors have concerns, then they will be notified prior to the public hearing of each Home Preschool application. The majority of current licensed preschools owned also stated that several of their students are from the surrounding neighborhood and walk to class with their mothers.

Ms. Ungerman has also submitted a petition from parents and neighbors. There are four (4) different preschool teachers that have acquired signatures of parents and also their neighbors. Three of the teachers are currently licensed whereas one is a former teacher. Between the four licensed preschool teachers, 45 different parents and an additional 82 neighbors have signed in favor of allowing an increase from 6 to 12 students. The petition is included as Appendix B of the application. To protect the identity and personal information of the signees, this information will be available upon request.

Staff has reviewed the application, supporting documents, and makes the following analysis.

Home Preschools are considered a Home Occupation. The intention of a Home Occupation is to allow business activities as a secondary and incidental use to the residential use of the dwelling. The use should be conducted so that neighbors would not be aware of its existence.

A primary concern that staff has in regard to an increase in number of children is the resulting increase of vehicular traffic to the residence. It has been a concern in the City of having too much traffic within a neighborhood associated with Home Occupations. However, it has been done with past Home Preschool applications, to address the parking and traffic issues during the conditional use review to ensure that pick up and drop offs are conducted safely without disrupting the neighborhood. It is also common for Home Preschools to operate during the late morning and middle of the day, when neighborhood traffic is less intensive.

Staff has also provided a summary of the ordinances of different municipalities within the county. It outlines the number of children allowed along with a summary of additional requirements and licenses required in each municipality surveyed.

To the staff's knowledge, there are currently about 10 licensed Home Preschools in the City.

Staff Alternatives

1. Approval of the application to amend 7-1-103 (100) and 7-8-103 to allow a maximum of 10 children for a Home Preschool.
2. Denial, increasing the number of children allowed for a Home Preschool to 10 children per session is not in keeping with the purpose of a Home Occupation.

Applicant:

Alisha Ungerman
6337 S Clover Creek Lane

Favored:

Shayla Fairclough
7152 W Hunter Dawn Way

Favored:

Brittany Peterson
7050 W 3800 S

Discussion: Kevin Despain presented the application. Alisha Ungerman, the applicant, stated that a licensed daycare provider can have 8 children of all different ages for the majority of a day while the current ordinance only allows 6 children for an at home preschool that includes 3-5 year olds in a structured environment for 4 hours or less. She indicated that she feels the ordinance is over 25 years old and should be changed to reflect the needs of today.

Shayla Fairclough, a preschool provider, presented a PowerPoint presentation. She indicated that West Valley City has one of the lowest number of students allowed in an at home preschool in the Salt Lake valley. Ms. Fairclough stated that a preschool is an educational environment and typically does not include meals or naps like a daycare does. She indicated that preschool is important to parents, teachers, and students to prepare children intellectually and socially for school and benefits them throughout their educational career. Ms. Fairclough stated that all at home preschools must go through the conditional use process where solutions to traffic concerns in certain neighborhoods can be addressed. Ms. Fairclough stated that most neighbors are working during preschool hours and added that the extra traffic and activity can be a good criminal deterrent. She indicated that not all neighbors will be in favor of home preschools but they will be notified when the conditional use application is submitted and can have the opportunity to express their concerns. Barbara Thomas asked if there would be any additional employees. Ms. Fairclough replied no and indicated that this is restricted by the home business ordinance.

Brittany Peterson, a preschool provider, stated that there are many at home preschools in the City that are not licensed and operate without City approval. She indicated that allowing more children would be an incentive for preschools to get licensed and meet City requirements.

Brent Fuller stated that conditional uses cannot be denied and indicated that conditions can mitigate some concerns but may not solve them all. Jack Matheson stated that he likes preschools and has seen the benefit they provide. He indicated that most at home preschools have students in the neighborhood where they can walk or carpool. Terri Mills stated that preschools are a great benefit but the Planning Commission is looking at the impact at home preschools can have to a neighborhood and she feels traffic is a significant concern. Barbara Thomas stated that 10 kids in a house for 4 hours seems like too much.

Motion: Commissioner Matheson moved for approval of the application to amend 7-1-103 (100) and 7-8-103 to allow a maximum of 10 children for a Home Preschool.

Commissioner Tupou seconded the motion.

Roll call vote:

Commissioner Fuller	No
Commissioner Matheson	Yes
Vice- Chair Meaders	Yes
Commissioner Mills	No
Commissioner Tupou	Yes
Chairman Thomas	No

Split-ZT-2-2015- Fails

Vice Chairman Meaders called for a second motion.

Motion: Commissioner Thomas moved for approval of the application to amend 7-1-103 (100) and 7-8-103 to allow a maximum of **8** children for a Home Preschool.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	No
Vice- Chair Meaders	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Chairman Thomas	Yes

Majority-ZT-2-2015- Approved

SUBDIVISION APPLICATIONS

S-3-2015

Northrup Subdivision

5190 West 3500 South

R-1-8 & A Zones

3 Lots

2.4 Acres

BACKGROUND

Mr. Dan Northrup, is requesting preliminary and final plat approval for a 3-lot subdivision in the R-1-8 and A zones. The subject property is located at 5190 West 3500 South. The property is currently occupied by two single family dwellings. Mr. Northrup would like to subdivide the property in order to create one additional lot for a future single family dwelling.

STAFF/AGENCY COMMENTS:

Fire Department:

Fire hydrant needs to be located within 250 feet of the new flag lot prior to construction.
20-foot clear width needs to be provided for the flag lot from street right-of-way.

Granger Hunter Improvement District:

Project will need to run availability for water, sewer and fire protection.
Subject to design and review inspections.

Utility Agencies:

Subject to all standard easement locations.

Public Works:

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Revisions to plat are required.

Will need to coordinate review of access for new single family dwelling with UDOT.

Will be required to install sidewalk along 3500 south for the entire street frontage.

Basement depth for new flag lot will be determined by the Chief Building Official at such time a building permit is issued.

Existing dead end streets will be dealt with when the larger property comes in for development.

Building Inspections:

Will need to coordinate basement depth with builder prior to issuance of a building permit.

ISSUES:

Mr. Northrup is proposing a 3 lot subdivision on 2.4 acres. In January 2014 Mr. Northrup received approval to rezone approximately .73 acres from the A zone to the R-1-8 zone. The purpose for the rezone was to facilitate a new subdivision with a proposed flag lot.

At the present time, there are two existing dwellings. The east dwelling (lot 1) is located on property that is zoned agriculture and is approximately 1.4 acres in size. The west dwelling (lot 3) is located on property that was rezoned in 2014 and is approximately 13,240 square feet in size. The flag lot (lot 2) will be located behind lot 3, and is approximately 15,400 square feet in size excluding the stem portion.

The City's Subdivision Ordinance requires that all flag lots have a minimum square footage of 12,000 square feet. The square footage of the flag lot excludes the stem portion that serves as an access to the lot. In this case, the proposed flag lot is well in excess of the required standard.

With regards to public improvements, curb and gutter exist along 3500 South. To ensure the correct right-of-way width, the City Engineering Division is requesting that the subdivision plat show a dedicated right-of-way of 40-feet. The City Engineering Division is also recommending that sidewalk be installed across the lots on 3500 South.

As 3500 South is under the jurisdiction of UDOT, any improvements to the right-of-way will need to be coordinated through them. All existing drive approaches, including the access to the flag lot were previously installed. In addition to the sidewalk improvement, the developer will also be required to coordinate water and sewer services with UDOT as well as Granger Hunter Improvement District.

There are two dead end streets located on the northeast and northwest boundaries of lot 1. According to the City Engineering Division, these streets will remain in their existing condition for the present time. Should the agricultural property develop in the future, the City Engineering Division will provide a recommendation as to the terminus of these streets.

The flag lot is intended to be used for a new single family dwelling. In cases where only 1 new lot is being proposed, the City has waived the requirement to submit a soils report. This waiver is based on a field investigation by the Building Official regarding basement depth. If sufficient evidence does not exist wherein the Building Official is comfortable establishing the footing depth, the builder will be required to submit a soils report prior to issuance of a building permit.

STAFF ALTERNATIVES:

- A. Approval of the Northrup Subdivision subject to the following conditions:
 - 1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
 - 2. That the subdivision name be approved by Salt Lake County.
 - 3. That 3500 South be dedicated to a 40-foot half width. Sidewalk shall be installed along the frontage of 3500 South in accordance with UDOT approvals.
 - 4. That the developer resolve all staff and agency concerns.
 - 5. The City will waive the soils report if the Building Official determines that sufficient field evidence exists for him to make a determination as to basement depth. If this evidence does not exist, a soils report will be required prior to issuance of a building permit.
 - 6. That an appropriate terminus for 3435 South and Natalie Court be addressed at such time that lot 1 further develops.
- B. Continuation to address issues raised during the Planning Commission meeting.

Applicant:

Dan Northrup
13579 Ivy Manor Lane
Draper, UT 84020

Neutral:

David Lewis
5204 W 3500 S

Discussion: Steve Lehman presented the application. Jack Matheson asked if there is a curb on the existing sidewalk to the east. Steve replied yes and added that there is a park-strip as well. He indicated that there will likely be either a landscaped or stamped concrete park-strip next to 3500 S. Terri Mills clarified that the lot size for the flag lot does not include the stem. Steve replied yes. Barbara Thomas asked if the lot to the east is also a flag lot. Steve replied no.

Dan Northrup, the applicant, stated that he didn't anticipate installing the sidewalk but will ensure that it works. He stated that it will be difficult working it out with the neighbor to the east.

David Lewis, a neighbor to the west, asked what will be changed with this application. Steve replied that a new lot and home will be added to the north of the existing one. He clarified that the street system where the two stub roads end will not be changing at this time.

Commissioner Mills stated that it's important for the sidewalk to be installed so that there is pedestrian access to the intersection. Steve agreed and added that the reason sidewalk is required on lot 1 is because it is part of the subdivision as defined by State law. The applicant will have to coordinate through UDOT.

Motion: Commissioner Tupou moved for approval subject to the 6 items listed by staff.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Chairman Thomas	Yes

Unanimous-S-3-2015- Approved

CONDITIONAL USE APPLICATIONS

C-12-2015

Rocky Mountain Distilling & Bottling LLC

2080 W 2200 S

M Zone (1.26 acres; subject unit: 2,750 square feet)

Approved Use: Alcohol rectifier

The applicant Jeff Beatty, representing Rocky Mountain Distilling & Bottling LLC, requests conditional use approval for an alcohol rectifier facility at 2080 W 2200 S. The zoning for this area is M, Manufacturing. The majority of the uses are light manufacturing type businesses. Manufacturing of

Alcoholic Products, which includes rectifying or distilling alcohol for distribution, is a conditional use within this zone. West Valley City General Plan designates this area as light manufacturing.

The tenant space will occupy the southwest portion of the building or 2,750 total square feet. The majority of this space will be for the production, bottling, and packaging of the alcoholic product.

The business will purchase 190 proof GNS (grain neutral spirit) in 275 gallon totes. This will be blended with deionized water for proofing to 80. This will produce in total 641 gallons of a finished 80 proof Vodka. There will be no waste disposal products. Bottling will be done from a 4 bottle bottler in two different volumes. Bottles are packaged and labeled in 6 and 12 packs which are then stored and shipped out on pallets. They will wholesale to the Department of Alcoholic Beverage Control (DABC) at their distribution centers.

At any given time there will be 3 employees on site with work hours of 10 to 20 per week from one to three days. They will have a simple window sign/sticker for business identification. The site has 3 parking stalls available.

Distilling and rectifying of alcoholic products is regulated by both federal and state agencies including the Alcohol and Tobacco Tax and Trade Bureau (TTB) and the DABC respectively. DABC requires a distillery license. There are also numerous requirements of the International Fire Code for the storage and dispensing of flammables that the applicant will comply with.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. The approved use is an Alcohol Rectifier.
2. No on-site consumption or general retail of alcohol as regulated by the State.
3. The site shall conform to the requirements of the International Building Code (IBC), the International Fire Code (IFC), and National Fire Protection Association (NFPA)
4. The business shall obtain all required licenses from federal and state agencies.
5. All requirements of affected departments and agencies must be met including the West Valley City Fire Department.
6. This use is subject to review upon a valid complaint.

Continuance, for applicant to resolve concerns raised at the public hearing.

Applicant:
Jeff Beatty

4993 S Eastridge Lane

Discussion: Kevin Despain presented the application. Barbara Thomas asked if the DABC has already granted a license. Jeff Beatty, the applicant, replied that gaining the license from the DABC is the last step. He indicated that the process must be set up and approved through local and federal regulations first. Mr. Beatty stated that there are many different types of distilling but this business is known as a spirits rectifier. He indicated that high volume alcohol is watered down to 80 proof vodka and is packaged, shipped, and sold. Mr. Beatty stated that the City's Fire Marshall was okay with the process but wanted to ensure the sprinkling system coverage will reach the GNS tanks. Terri Mills asked if a firewall will be installed. Mr. Beatty replied no and indicated that it is not needed. He added that the building is cement block.

Motion: Commissioner Fuller moved for approval subject to the 6 staff conditions.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Chairman Thomas	Yes

Unanimous-C-12-2015- Approved

C-13-2015

AutoNet Connect

2500 S Decker Lake Blvd #20

M Zone (14.69 acres; subject unit: 4,000 square feet)

Approved Use: Auto Sales

The applicant Max Franco, representing AutoNet Connect, requests conditional use approval for Auto Sales at 2500 S Decker Lake Blvd #20. This space is within the Interstate Business Center, which consists of eight separate buildings. The buildings were built in the 1980's for office/warehouse type uses. The site is zoned M, Manufacturing and classified as light manufacturing in the West Valley City General Plan. Auto Sales is a conditional use within this zone. This approval is not to amend the entire overall approval but rather grant conditional use for this tenant space.

The tenant space is 4,000 total square feet. About two-thirds is open warehouse space and the remaining space is office. There is a single overhead door at the rear of the space.

The applicant is a wholesale auto dealer. He purchases cars from larger fleets such as rental car companies. The vehicles are presold and stored at the warehouse; therefore, he does not generally sell to the general public. All sales inventory will be contained within the warehouse space. Vehicles will be transported to and from the site by vehicle transporters. There will be no auto repair or detailing conducted at this site.

At the time of this application, the business will consist of Mr. Franco and an employee. They have been assigned 5 parking stalls which is required by city ordinance for a dealership. The hours of operation will be Monday to Friday 10 am to 5 pm, closed Saturdays unless by special appointment.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. The approved use is Auto Sales. No auto repair or detailing shall be done.
2. The site shall conform to the requirements of the International Building Code (IBC), the International Fire Code (IFC), and National Fire Protection Association (NFPA)
3. All requirements of affected departments and agencies must be met including the West Valley City Fire Department.
4. All signage shall comply with the West Valley City Sign Ordinance, including all temporary signs
5. This use is subject to review upon a valid complaint.

Continuance, for applicant to resolve concerns raised at the public hearing.

Applicant:

Max Franco
2500 S Decker Lake Drive

Discussion: Kevin Despain presented the application. Barbara Thomas asked how many cars can potentially be stored within the building. Max Franco, the applicant, stated that there could be anywhere between 16-20 but this will likely never happen since there is usually a quick turn-around.

Motion: Commissioner Fuller moved for approval subject to the 5 staff conditions.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Chairman Thomas	Yes

Unanimous-C-13-2015- Approved

C-14-2015

Wiseguys Comedy Club (Keith Stubbs)

2194 West 3500 South, Suite D1 – D4

Social Club License

C-2 Zone (2.17Acres)

The applicant, Keith Stubbs representing Wiseguys Comedy Club, is requesting a conditional use for a social club license at 2194 West 3500 South. The property is zoned general commercial (C-2). The General Plan designation is entertainment and it is part of the Decker Lake Station Overlay Zone.

Wiseguys Comedy Club is located within the Shops at Decker Lake. The business has been at this location since 2001 and is licensed as a restaurant with beer. At this time the applicant would like to expand their services and apply for a social club license which would permit patrons to order from a full bar menu. The restaurant portion will still be in operation however Mr. Stubbs would be allowed to reduce the required food sales amount from 70% to less than 50% of the overall business sales.

Shows typically begin at 7:00-7:30 p.m. but can start as late as 9:30, which is well after typical dinner ordering hours. Therefore, Mr. Stubbs feel this service will cater better to his clients. Furthermore, the comedians that perform at this venue include Kevin Smith, Jamie Kennedy, Rob Schneider, and Chris Kattan so Mr. Stubbs feels that the expanded menu put his business more in line with other national comedy clubs that book the same high level talent.

This location must meet all of the spacing requirements set forth in section 7-6-1011 of the West Valley City Code and meet all licensing requirements set forth by the Department of Alcohol and Beverage Control

Staff Alternatives:

Approval of the conditional use for Wiseguys Comedy Club, a social club license, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. Must meet the requirements of all affected departments and agencies, including but not limited to, the Department of Alcohol and Beverage Control.

Continuance for reasons determined at the hearing.

Applicant:

Keith Stubbs
2194 W 3500 S

Discussion: Jody Knapp presented the application. Keith Stubbs stated it's difficult to compete in a comedy club environment without a liquor license. He indicated that he books the acts but people will drink elsewhere so he doesn't get the sales he would like. Mr. Stubbs stated that he would just like the ability to sell liquor and indicated that this does not mean he will begin operating as a night club. Clover Meaders clarified that the license must be obtained from the DABC within a year or the applicant will need to reapply for the conditional use.

Motion: Commissioner Matheson moved for approval subject to the 1 staff condition.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Chairman Thomas	Yes

Unanimous-C-14-2015- Approved

PLANNING COMISSION BUSINESS

Approval of Minutes from March 25, 2015 (Regular Meeting) **Approved**

Approval of Minutes from April 1, 2015 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:58 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant